

1 Scott A. Kronland (SBN 171693)  
2 Stacey M. Leyton (SBN 203827)  
3 Eileen B. Goldsmith (SBN 218029)  
4 Danielle E. Leonard (SBN 218201)  
5 Robin S. Tholin (SBN 344845)  
6 James Baltzer (SBN 332232)  
7 ALTSHULER BERZON LLP  
8 177 Post Street, Suite 300  
9 San Francisco, CA 94108  
10 Tel. (415) 421-7151  
11 Fax (415) 362-8064  
12 skronland@altber.com  
13 sleyton@altber.com  
14 egoldsmith@altber.com  
15 dleonard@altber.com  
16 rtholin@altber.com  
17 jbaltzer@altber.com

18 *Attorneys for Plaintiffs*

19 [Additional Counsel not listed]

20 UNITED STATES DISTRICT COURT  
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
22 SAN FRANCISCO DIVISION

23 AMERICAN FEDERATION OF  
24 GOVERNMENT EMPLOYEES, AFL-CIO;  
25 AMERICAN FEDERATION OF STATE  
26 COUNTY AND MUNICIPAL EMPLOYEES,  
27 AFL-CIO, et al.,

28 Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL  
MANAGEMENT, et al.,

Defendants.

Case No. 3:25-cv-01780-WHA

**PLAINTIFFS' NOTICE OF  
DEPOSITION OF TRACI  
DIMARTINI**

**NOTICE OF DEPOSITION**

**PLEASE TAKE NOTICE** that, pursuant to Federal Rules of Civil Procedure 26 and 30, Plaintiffs, by and through undersigned counsel, will take the deposition of Traci DiMartini on **March 11, 2025 at 9:00 a.m. PST** at 80 F Street, NW, Washington, DC 20001, as agreed upon by the parties. The deposition will be taken before a person authorized by law to administer oaths under Federal Rules of Civil Procedure 28(a) and shall continue from one day to the next, excluding Sundays and holidays, until the examination is completed.

Plaintiffs intend and reserve the right to record the deposition testimony of Traci DiMartini by videotape and instant visual display, in addition to recording the testimony stenographically and via LiveNote/Realtime, and further intend and reserve the right to provide a secure live internet, video, audio and/or telephonic stream for parties and counsel of record. Plaintiffs reserve the right to use the videotape deposition at the time of trial

1 DATED: March 6, 2025

2 Scott A. Kronland  
3 Stacey M. Leyton  
4 Eileen B. Goldsmith  
5 Danielle E. Leonard  
6 Robin S. Tholin  
7 James Baltzer  
8 ALTSHULER BERZON LLP  
9 177 Post St., Suite 300  
10 San Francisco, CA 94108  
11 Tel: (415) 421-7151

12 By: /s/ Danielle E. Leonard  
13 Danielle E. Leonard

14 *Attorneys for Plaintiffs*

15 Norman L. Eisen (*pro hac vice* forthcoming)  
16 Pooja Chadhuri (SBN 314847)  
17 STATE DEMOCRACY DEFENDERS  
18 FUND  
19 600 Pennsylvania Avenue SE #15180  
20 Washington, DC 20003  
21 Tel: (202) 594-9958  
22 Norman@statedemocracydefenders.org  
23 Pooja@statedemocracydefenders.org

24 By: /s/ Norman L. Eisen

25 *Attorneys for Plaintiffs*

26 Rushab Sanghvi (SBN 302809)  
27 AMERICAN FEDERATION OF GOVERNMENT  
28 EMPLOYEES  
80 F Street, NW  
Washington, DC 20001  
Tel: (202) 639-6426  
Sanghr@afge.org

By: /s/ Rushab Sanghvi

*Attorneys for Plaintiff American Federation of  
Government Employees (AFGE)*

1 Teague Paterson (SBN 226659)  
2 Matthew Blumin (*pro hac vice forthcoming*)  
3 AMERICAN FEDERATION OF STATE, COUNTY,  
4 AND MUNICIPAL EMPLOYEES  
5 1625 L Street, N.W.  
6 Washington, D.C. 20036  
7 Tel: (202) 775-5900  
8 Tpaterson@afscme.org  
9 MBlumin@afscme.org

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11 By: /s/Teague Paterson

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*Attorneys for Plaintiff American Federation of State  
County and Municipal Employees (AFSCME)*

1 **PROOF OF SERVICE**

2 I am employed in the City and County of San Francisco, California. I am over the age of  
3 eighteen years and not a party to the within action; my business address is 177 Post Street, Suite 300,  
4 San Francisco, California 94108. On March 6, 2025, I served the following document(s):

5 **PLAINTIFFS NOTICE OF DEPOSITION OF TRACI DIMARTINI**

6 on the parties, through their attorneys of record, as designated below:

7 **By Electronic Service:** By Email, I caused such document(s) to be served via electronic mail on the  
8 parties in this action by transmitting true and correct copies to the following email address(es):

9 KELSEY J. HELLAND  
10 Assistant United States Attorney  
11 450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
kelsey.helland@usdoj.gov

12 I declare under penalty of perjury under the laws of the State of California that the foregoing  
13 is true and correct. Executed March 6, 2025, at San Francisco, California.

14  
15 /s/ Giorgia Lingiardi  
16 Giorgia Lingiardi  
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## EXHIBIT A

Pursuant to 26 CFR § 301.9000-5, the Plaintiffs in the above-captioned action submit the following written statement concerning the above request for testimony.

1. Parties and Subject Matter

The Plaintiffs named in the Amended Complaint to this action are American Federation of Government Employees, AFL-CIO (“AFGE”); American Federation of State County and Municipal Employees, AFL-CIO (“AFSCME”); AFGE Local 1216, United Nurses Associations of California/Union of Health Care Professionals, AFSCME, AFL-CIO (“UNAC/UHCP”); AFGE Local 2110; Main Street Alliance; Coalition to Protect America’s National Parks; Western Watersheds Project; Vote Vets Action Fund Inc.; Common Defense Civic Engagement; the American Public Health Association; the Association of Flight Attendants-CWA, AFL-CIO (“AFA”); the American Geophysical Union; Climate Resilient Communities; Point Blue Conservation Science; and the State of Washington. The defendants named in the Amended Complaint are the United States Office of Personnel Management (“OPM”) and its Acting Director, Charles Ezell. The Defendants named in the Second Amended Complaint include 23 federal agencies and their heads, including the Department of Treasury and Treasury Secretary Scott Bessent.

The subject matter of this litigation is the unlawful terminations of federal probationary employees across the federal government.

2. Summary of Testimony or Records Sought

Plaintiffs are informed and believe that Traci DiMartini possesses knowledge of the events related to terminations of probationary employees by the Internal Revenue Service that commenced on or about February 13, 2025, including but not limited to direction by the Office of Personnel Management (OPM) with respect to the termination of probationary employees to the federal agencies including the Department of the Treasury, and the Department of the Treasury and IRS implementation of that direction.

3. Plaintiffs estimate a maximum of two hours testimony including both direct and cross examination.

4. None of the IRS information is a return or return information or tax convention information.

5. A declaration in lieu of live testimony, as requested by the Court in this matter, will not suffice.

6. The requested testimony is not necessary to authenticate IRS documents.

7. Documents are not a substitute for the requested testimony, and the information within Ms. DiMartini’s direct knowledge is not available from non-IRS sources.

8. Counsel for OPM, represented by the U.S. Attorneys' Office for the Northern District of California and the U.S. Department of Justice, Civil Division, Federal Programs have been aware of the scope of Plaintiffs' requested relief, which encompasses actions taken by the Department of Treasury and the IRS, since the case was initially filed on February 19, 2025. Counsel for OPM have also been aware of Plaintiffs' intention to add agency defendants to the case since February 27, 2025. Both the initial Motion for Temporary Restraining Order and the Court's ruling on the TRO address statements made by Ms. DiMartini. Plaintiffs' counsel brought to the attention of the Court the placement of Ms. DiMartini on administrative leave by the IRS on March 6, 2025. The Court authorized Plaintiffs' counsel to serve the accompanying request for testimony at that hearing. In these circumstances, Plaintiffs' notification of this request for testimony on shortened time of less than fifteen days is reasonable and warranted.